

UNITED STATES DISTRICT COURT

for the

District of

New Jersey

United States of America

v.

Frank William Maile

Defendant

RECEIVED
MAY 31 2018

MODIFIED ORDER SETTING CONDITIONS OF RELEASE

AT 8:30
WILLIAM T. WALSH CLERK

Case Number: 18-304(BRM)-01

IT IS ORDERED on this 31st day of May, 2018 that the release of the defendant is subject to the following conditions:

- (1) The defendant must not violate any federal, state or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must immediately advise the court, defense counsel, and the U.S. attorney in writing before any change in address and/or telephone number.
- (4) The defendant must appear in court as required and must surrender to serve any sentence imposed.

Release on Bond

Bail be fixed at \$ 500,000.00 Cash & two properties and the defendant shall be released upon:

- () Executing an unsecured appearance bond () with co-signor(s) _____;
- (X) Executing a secured appearance bond () with co-signor(s) _____, and (X) depositing in cash in the registry of the Court 100 % of the bail fixed; and/or (X) execute an agreement to forfeit designated property located at 1653 Hilltop Approach (lot situated on the westside of Hilltop Approach, Manheim Twp, County of Lancaster & Commonwealth, PA being known as Lot 90, Block B) Lancaster, PA & 33 North Main Street, New Egypt, NJ. Local Criminal Rule 46.1(d)(3) waived/not waived by the Court.
- () Executing an appearance bond with approved sureties, or the deposit of cash in the full amount of the bail in lieu thereof;

Additional Conditions of Release

Upon finding that release by the above methods will not by themselves reasonably assure the appearance of the defendant and the safety of other persons and the community, it is further ordered that the release of the defendant is subject to the condition(s) listed below:

IT IS FURTHER ORDERED that, in addition to the above, the following conditions are imposed:

- (X) Report to Pretrial Services ("PTS") as directed and advise them immediately of any contact with law enforcement personnel, including but not limited to, any arrest, questioning or traffic stop.
- (X) The defendant is prohibited from possession and/or use computers, connected devices, or internet access.
- (X) The defendant shall be released into the third party custody of one or more persons to be approved by the Court and voir dired.

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and © to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Custodian Signature

Michelle K Bartlett
Michelle K Bartlett

Date:

May 31, 2018

- ☒ The defendant's travel is restricted to New Jersey unless approved by Pretrial Services (PTS).
- ☒ Surrender all passports and travel documents to PTS. Do not apply for new travel documents.
- ☒ No computer, cell phone or device capable of connecting to the internet allowed on property at residence.
- ☒ Refrain from possessing a firearm, destructive device, or other dangerous weapons. All firearms in any home in which the defendant resides shall be removed within 24 hours and verification provided to PTS.
- ☒ Mental health testing/treatment as directed by PTS.
- ☐ Abstain from the use of alcohol.
- ☒ Defendant must secure new residence in Burlington or Mercer County, NJ with third party custodian.
- ☐ Maintain or actively seek employment and/or commence an education program.
- ☒ No contact with minors unless prior consent given by PTS.
- ☒ Surrender any firearm purchaser identification card and Federal Deck Operator credentials.
- ☒ Defendant is to participate in one of the following home confinement program components and abide by all the requirements of the program which will include electronic monitoring or other location verification system. You shall pay all or part of the cost of the program based upon your ability to pay as determined by the pretrial services office or supervising officer.
 - ☒ For the purpose of Location Monitoring, the defendant shall install a land line telephone in his residence within 10 days of release, unless waived by PTS.
 - ☒ The defendant is prohibited from possession and/or use of computers, connected devices, or internet access.
 - ☒ (iii) **Home Incarceration.** You are restricted to your residence under 24 hour lock-down except for medical necessities and court appearances, or other activities specifically approved by the court.
- ☒ Defendant is subject to the following computer/internet restrictions which may include manual inspection and/or the installation of computer monitoring software, as deemed appropriate by Pretrial Services. The defendant shall pay all or part of the cost of the monitoring software based upon their ability to pay, as determined by the pretrial services office or supervising officer.
 - ☒ Avoid all contact, direct or indirect, with anyone who is or may become a victim or potential witness in the subject investigation or prosecution.
 - ☐ (ii) **Computer - No Internet Access:** defendant is permitted use of computers or connected devices, but is not permitted access to the Internet (World Wide Web, FTP Sites, IRC Servers, Instant Messaging, etc);
 - ☒ (iii) Submit to Pretrial Services use of electronic detection devices to evaluate the defendant's access to Wi-Fi Connections.
 - ☒ (iv) **Consent of Other Residents** -by consent of other residents in the home, no computers , cell phones or devices capable of connecting to the internet maybe in the home.

☒ Other: See attached list.

☐ Other: _____

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LIST OF ADDITIONAL CONDITIONS OF RELEASE WHICH SUPERSEDE THE PREVIOUS PAGES IN CASE OF ANY CONFLICT BETWEEN THEM:

1. Defendant to surrender pilot's license. Also, defendant to surrender the keys to his personal aircraft.
2. Allow contact with Pretrial Services and the fixed base operator (FBO) or airport manager of where the aircraft grounded should there be an attempt to fly the aircraft.
3. Polygraph testing as deemed appropriate by Pretrial Services.
4. Third party custodian approved by the court and voir dired, to reside with the defendant.
5. Third party monitor, to be approved by the Court with input from the Government and Pre-trial Services, will physically and randomly check in on the defendant multiple times a week at their discretion and immediately report any violations of any of the conditions in this Order to the Court. The third party monitor will be paid by the defendant.
6. Defendant is prohibited from internet access; no computer/cell phones, or devices capable of connecting to the internet in the home where the defendant will reside.
7. Residence secured and third party custodian will be approved by Pretrial Services.
8. Waive 4th Amendment rights to searches and seizures.
9. Defendant's personal accounts to be frozen except for use for legal fees and third party monitoring.

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.



Defendant's Signature



City and State

Directions to the United States Marshal

() The defendant is ORDERED released after processing.

(X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: 



Judicial Officer's Signature

BRIAN R. MARTINOTTI, U.S. DISTRICT JUDGE
Printed name and title